

IN RE: PETITION FOR VARIANCE * BEFORE THE
E/S Stone Spring Court, 358.26' S
of the c/l of Vineyard Hill Road * DEPUTY ZONING COMMISSIONER
(5 Stone Spring Court)
1st Election District * OF BALTIMORE COUNTY
1st Councilmanic District *
Charles P. Franz, et ux * Case No. 95-360-A
Petitioners *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 5 Stone Spring Court, located in the vicinity of Patapsco Valley State Park in the subdivision of Foxhall Farm in Catonsville. The Petition was filed by the owners of the property, Dr. and Mrs. Charles P. Franz. The Petitioners seek relief from Section 504 of the Baltimore County Zoning Regulations (B.C.Z.R.) and Section V.B.6.b of the Comprehensive Manual of Development Policies (C.M.D.P.) to permit a window to property line setback of 8 feet in lieu of the required 15 feet for a proposed single family dwelling and accessory improvements, and to amend the Final Development Plan of Foxhall Farm, Section 1, Lot 19 thereof, accordingly. The subject property and relief sought are more particularly described on the site plan submitted and accepted into evidence as Petitioner's Exhibit 1.

Appearing on behalf of the Petition were Dr. Charles Franz, property owner, and John McDonough, a representative of Nantucket Homes, Builder. There were no Protestants present.

Testimony and evidence offered revealed that the subject property consists of 0.611 acres, more or less, zoned D.R. 2 and is presently unimproved. The Petitioners are desirous of developing the property with a single family dwelling and accessory swimming pool and basketball court.

MICROFILM

ORDER RECEIVED FOR FILING
Date 5/23/95
By [Signature]

Due to the irregular shape of the lot and the locations for the proposed improvements, the relief requested is necessary in order to develop the property as proposed. In support of the Petitioner's request, Dr. Franz submitted a letter, marked as Petitioner's Exhibit 2, from the adjacent property owner on the affected side, which states that he has no objections to the relief requested. The owner of that property states that he intends to build his house somewhat off the property line so that the 8-foot setback requested herein will be of no consequence to him.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it appears the relief requested should be granted. It has been established that special circumstances or conditions exist that are peculiar to the

land or structure which is the subject of this variance request and that strict compliance with the zoning regulations would result in a practical difficulty or unreasonable hardship for the Petitioner. Furthermore, the variance requested will not cause any injury to the public health, safety or general welfare and meets the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 23rd day of May, 1995 that the Petition for Variance seeking relief from Section 504 of the Baltimore County Zoning Regulations (B.C.Z.R.) (Section V.B.6.b of the Comprehensive Manual of Development Policies {C.M.D.P.}) to permit a window to property line setback of 8 feet in lieu of the required 15 feet and to amend the Final Development Plan of Foxhall Farm, Section 1, Lot 19 thereof, for a proposed dwelling and accessory improvements on the subject property in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.



TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING

Date

By

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

May 23, 1995

Dr. & Mrs. Charles P. Franz
3213 Bryant Avenue
Baltimore, Maryland 21227

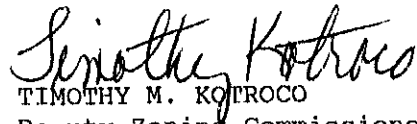
RE: PETITION FOR VARIANCE
E/S Stone Spring Court, 358.26' S of the c/l of Vineyard Hill Road
(5 Stone Spring Court)
1st Election District - 1st Councilmanic District
Charles P. Franz, et ux - Petitioners
Case No. 95-360-A

Dear Dr. & Mrs. Franz:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: People's Counsel

✓
File

MICROFILMED





Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 5 Stone Spring Court
which is presently zoned DRZ

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

504 (V.B. 6. b. 11970.) to permit an 8' window to property line in lieu of 15' and amend the FDP of Foxhall Farm.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

It would be impossible to build my home as drawn, without the variance.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address Phone No

City State Zipcode

Legal Owner(s)

Dr & Mrs. Charles P. Franz
(Type or Print Name)

Charles P Franz / Denise Marie Franz
Signature

Dr & Mrs. Charles P. Franz
(Type or Print Name)

Charles P Franz / Denise Marie Franz
Signature

3213 Bryant Ave 242-2428
Address Phone No

Balto. Md 21217
City State Zipcode

Name, Address and phone number of representative to be contacted.

Name

Address Phone No

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1/2 hr.
unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: MDK DATE 4/10/95

ORDER RECEIVED FOR FILING

Date

By

Printed with Soybean Ink on Recycled Paper



MICROFILMED

352

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

95-360-4

District 1st Date of Posting 5/3/95

Posted for: Various

Petitioner: Dr. & Mrs. C.P. Frantz

Location of property: 5 Stone Spring Ct.

Location of Signs: Facing road way, on property being zoned

Remarks: _____

Posted by M. Healy Date of return: 5/12/95

Signature

Number of Signs: 1



CERTIFICATE OF PUBLICATION

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case Number:
95-380-A (Item 352)
5 Stone Spring Court
Foxhall Farm, Section I, Lot
19, E/S Stone Spring Court,
359.28' S of c/o Vineyard
Hill Road
1st Election District
1st Councilmanic
Legal Owner:
Dr. & Mrs. Charles
P. Franz
HEARING: MONDAY,
MAY 22, 1995 at 11:00 a.m.
In Rm. 118, Old
Courthouse

Variance to permit an 8-foot

window to property line in lieu
of 18 feet and amend the FDP
of Foxhall Farm.

LAWRENCE E. SCHMIDT,
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Hand-
icapped accessible; for special
accommodations Please Call
887-3353.

(2) For Informa-
tion concerning the File and/or
Hearing, Please Call 887-3381.

4/29/95 April 27.

TOWSON, MD.,

4/28

, 1995

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 4/27, 1995.

THE JEFFERSONIAN,

A. Hemickson

LEGAL AD. - TOWSON

Backmatter



Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

95-360-A

Account: R-001-6150

Number

Date 4/10/95

Taken In By: JNDK

Item: 352

Franz, Dr + Mrs. Charles — 5 Stone Spring Court

010 - Res Var. — \$ 50.00

030 - Amendment to FDR (SPH) — \$ 50.00

080 - 1.500 posting — \$ 35.00

Total — \$ 135.00

WINGFIELD

CLERK/BOOKING CLERK

BA 0010-13AM04-10-95

\$137.00

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 352

Petitioner: Dr. + Mrs. Charles P. Franz

Location: 5 Stone Spring Ct.

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Dr. + Mrs. Charles P. Franz

ADDRESS: 3213 Bryant Avenue
Bethesda, Md. 21227

PHONE NUMBER: 242-2428

AJ:ggs

MICROFILMED

(Revised 04/09/93)

TO: PUTUMENT PUBLISHING COMPANY
April 27, 1995 Issue - Jeffersonian

Please forward billing to:

Dr. & Mrs. Charles P. Franz
3213 Bryant Avenue
Baltimore, MD 21227
242-2428

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-360-A (Item 352)
5 Stone Spring Court
Foxhall Farm, Section I, Lot 19
E/S Stone Spring Court, 358.26' S of c/l Vineyard Hill Road
1st Election District - 1st Councilmanic
Legal Owner: Dr. & Mrs. Charles P. Franz
HEARING: MONDAY, MAY 22, 1995 at 11:00 a.m. in Room 118, Old Courthouse.

Variance to permit an 8-foot window to property line in lieu of 15 feet and amend the FDP of Foxhall Farm.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

April 21, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-360-A (Item 352)

5 Stone Spring Court

Foxhall Farm, Section I, Lot 19

E/S Stone Spring Court, 358.26' S of c/l Vineyard Hill Road

1st Election District - 1st Councilmanic

Legal Owner: Dr. & Mrs. Charles P. Franz

HEARING: MONDAY, MAY 22, 1995 at 11:00 a.m. in Room 118, Old Courthouse.

Variance to permit an 8-foot window to property line in lieu of 15 feet and amend the FDP of Foxhall Farm.

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

cc: Dr. & Mrs. Charles P. Franz

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

May 15, 1995

Dr. and Mrs. Charles P. Franz
3213 Bryant Avenue
Baltimore, Maryland 21227

RE: Item No.: 352
Case No.: 95-360-A
Petitioner: Dr. Franz, et ux

Dear Dr. and Mrs. Franz:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by, the Office of Zoning Administration and Development Management (ZADM), Development Control Section on April 10, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties; i.e., zoning commissioner, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

A handwritten signature in cursive script that reads "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Zoning Supervisor


WCR/jw
Attachment(s)



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Director 
Office of Planning and Zoning

DATE: April 24, 1995

SUBJECT: Variance Requests

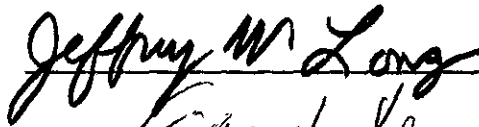
INFORMATION:

Item Numbers: 352, 354, 355, 356, 359, and 360. ⁵

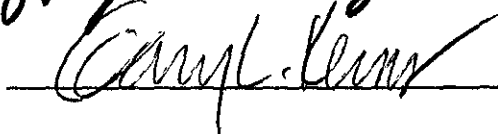
SUMMARY OF RECOMMENDATIONS:

While staff does not oppose the requested Variances, it is clear that the petitioners will need to satisfy the burden imposed upon them to prove practical difficulty and/or unreasonable hardship to justify the granting of the subject Variances.

Prepared by:



Division Chief:



PK/JL

MICROFILM

BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: May 5, 1995
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for May 1, 1995
Items 352, 353, 354, 355, 358, 359, and 360

The Developers Engineering Section has reviewed
the subject zoning item and we have no comments.

RWB:sw

Joyce Watson
ZAC Comments

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: ZADM

DATE: 4/28/95

FROM: DEPRM
Development Coordination

SUBJECT: Zoning Advisory Committee
Agenda: 4/24/95

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:

(352) ✓
-354
358
-359
360
361

LS:sp

LETTY2/DEPRM/TXTSBP

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 04/25/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owners SEE BELOW

LOCATION: DISTRIBUTION MEETING OF APR. 24, 1995.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 352, 354, 355, 356, 357,
358, 359 AND 360.

RECEIVED

APR 27 1995

ZADM

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4291, HS 1102F

cc: File





Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

4-21-95

Ms. Joyce Watson
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: 352 (MTK)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

for

Ronald Burns, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

MICROFILMED

| | | |
|--|---|---------------------|
| RE: PETITION FOR VARIANCE | * | BEFORE THE |
| 5 Stone Spring Court - Foxhall Farm, | | |
| Section I, Lot 19 - E/S Stone Spring Ct, | * | ZONING COMMISSIONER |
| 358.26' S of c/l Vineyard Hill Road | | |
| 1st Election District, 1st Councilmanic | * | OF BALTIMORE COUNTY |
| Dr. Charles P. Franz, et ux. | * | CASE NO. 95-360-A |
| Petitioners | | |
| * * * * * | | |

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 9th day of May, 1995, a copy of the foregoing Entry of Appearance was mailed to Dr. and Mrs. Charles P. Franz, 3213 Bryant Avenue, Baltimore, MD 21227, Petitioners.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

352

SW 6F

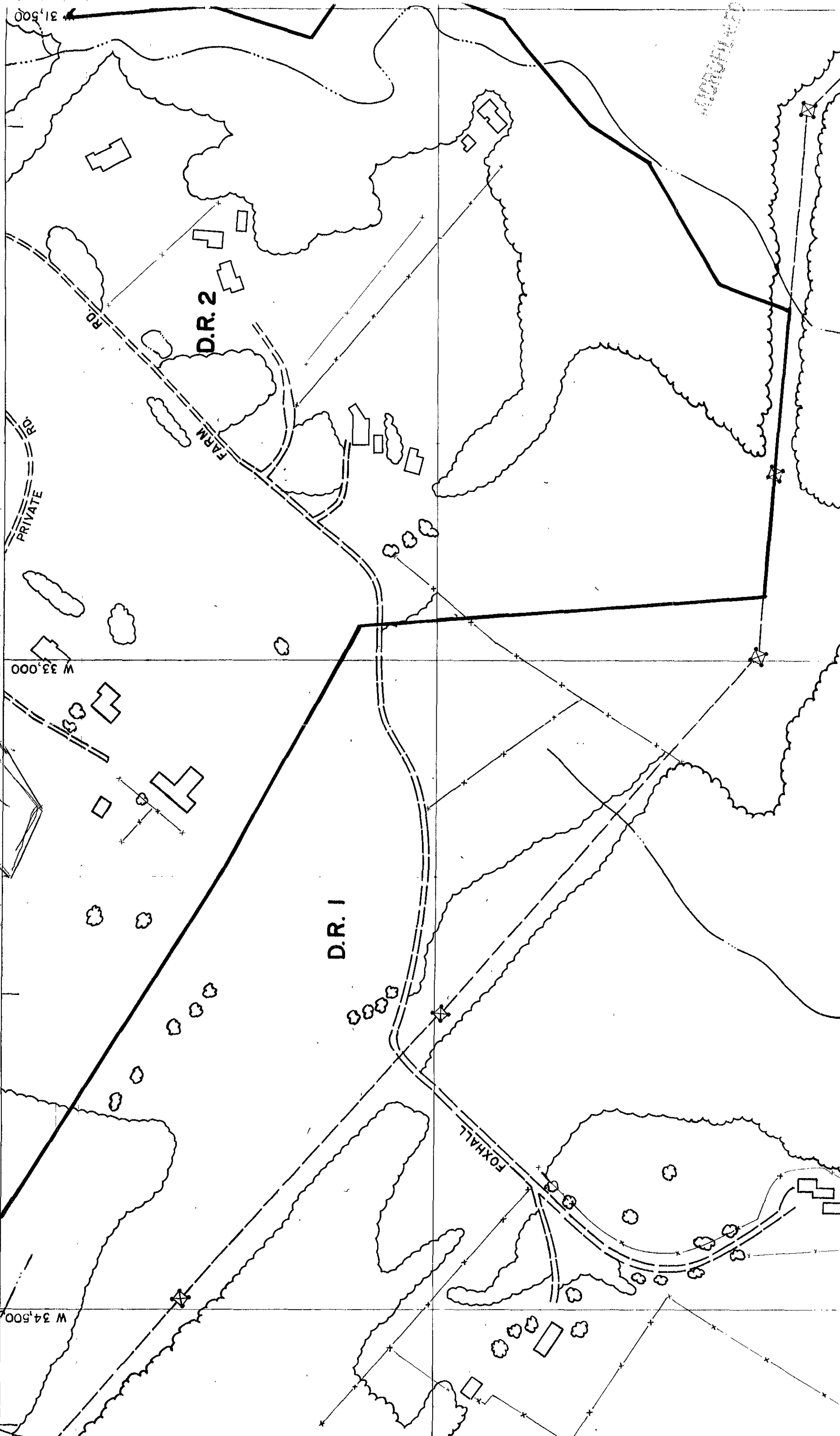
1" = 200'

location of
lot (no roads shown)
on map

Approx.

95-360-A

(SHEET S.M.-5-F)



PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Dr Charles P Franz

3213 BRYANT AVE 21227



Printed with Soybean Ink
on Recycled Paper



TRAFALGAR HOUSE

RESIDENTIAL MARYLAND

8965 GUILFORD ROAD · SUITE 290 · COLUMBIA · MARYLAND 21046 USA
TELEPHONE WASH 301 621 8151 · BALT 410 720 5071 · FACSIMILE 301 621 8713

March 27, 1995

Dr. and Mrs. Charles Franz
3213 Bryant Avenue
Baltimore, MD 21227

RE: *Variance - Lot 19, Block A*
Foxhall Farm

Dear Mrs. Franz:

At your request, I am writing you to confirm our conversation regarding the referenced subject. We are current owners of Lot 18, which could be impacted by the location of your house on Lot 19.

We do not plan to build a house any closer than 32 feet from our common property line. Lot 18 is of sufficient width and our houses are of a maximum width that would leave ample space to build one of our houses outside of the 32 foot dimension needed to build your house.

As always, if I can be of further assistance, do not hesitate to call me.

Sincerely,

Michael F. Clay
Land Development Coordinator

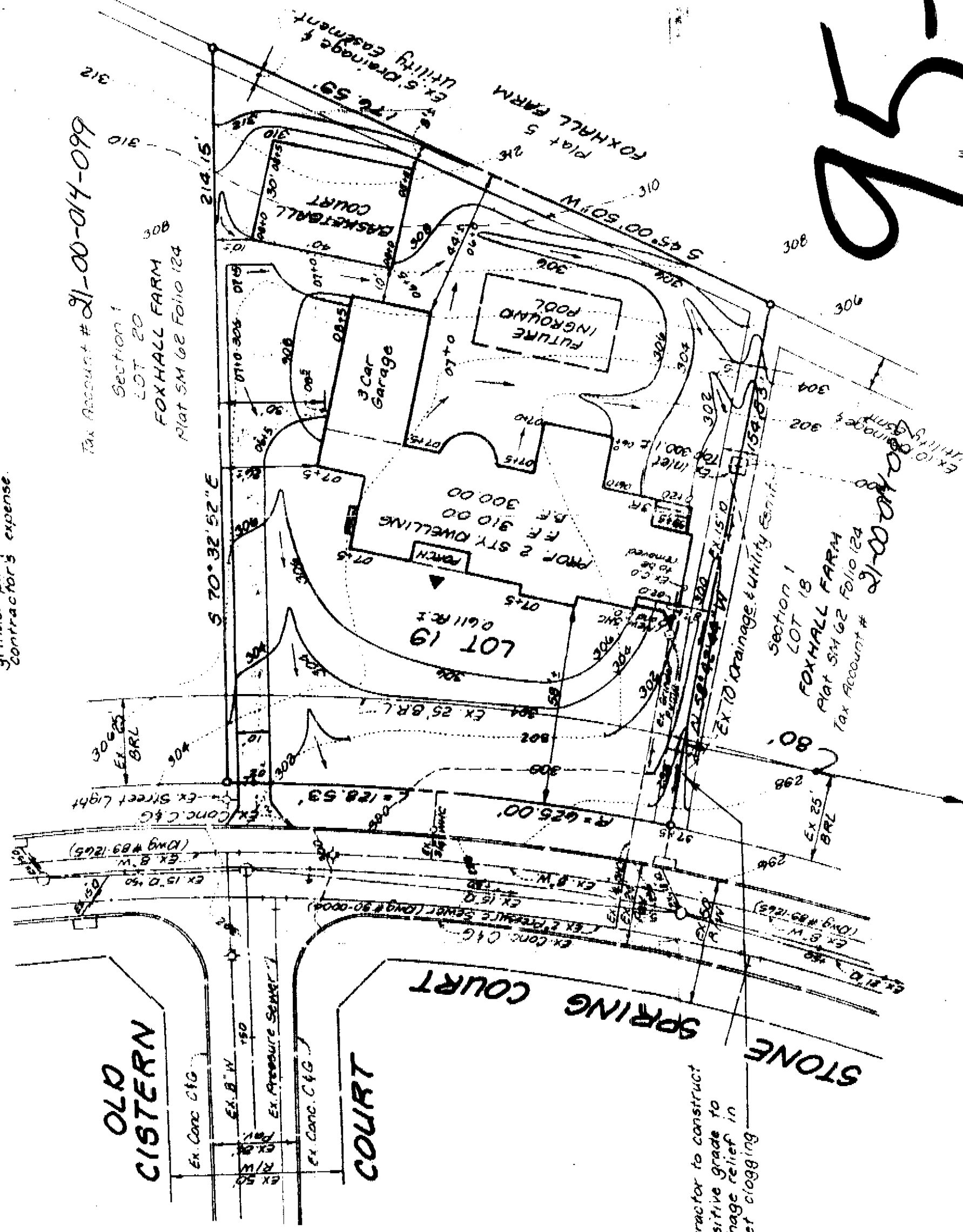
MFC/plm

PETITIONER'S
EXHIBIT 2

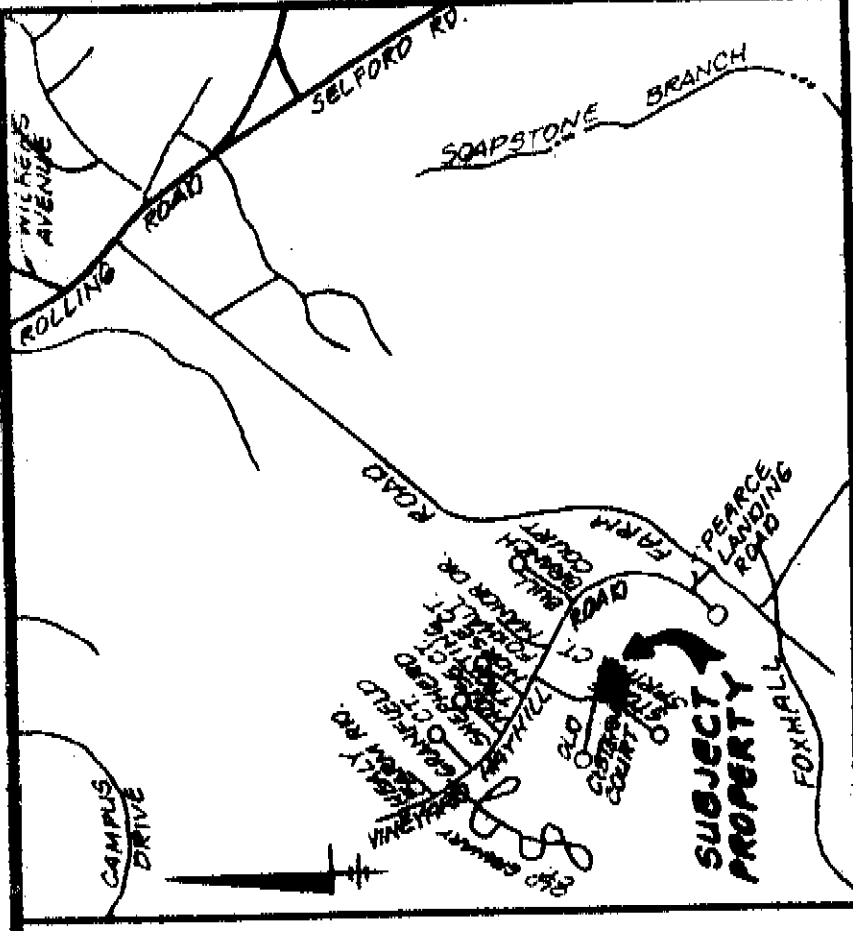
NOTE: Contractor to remove existing cleanout and inlet pipe to existing grinder pump. Install new cleanout at relocated inlet pipe stub for proposed house connection. Any damage to grinder pump shall be corrected at the contractor's expense.

Tax Account # 21-00-014-099

Section 1
LOT 20
FOX HALL FARM
Plat SM 62 Folio 124



NOTE: Contractor to construct swale at positive grade to provide drainage relief in event of inlet clogging



VICINITY MAP
Scale: 1" = 1,000'

NOTES:

1. Councilmanic District: IC-1
2. Election District: 1st
3. 1" = 200' Scale Map No.: SW 6 F
4. Existing Zoning: DR 2
5. Lot Size: 0.611 Ac. ± / 26,615 S.F. ±
6. Public Water and Public Sewer utilized.
7. Chesapeake Bay Critical Area: No
8. Prior Zoning Hearings: None
9. Tax Account #: 21-00-014-098

95-360-A

LDE, INC.

8835 Columbia 100 Parkway, Unit N, Columbia, MD 21045
(410) 715-1070 • (301) 596-3424 • (410) 715-0681 (fax)

Designed: GDB
Drawn: HGW
Checked: GDB
Date: 3/31/95

PLAT TO ACCOMPANY PETITION
FOR ZONING

FOX HALL FARM

SECTION 1
LOT 19

5 STONE SPRING COURT
BALTIMORE CO., MD 1ST ELECTION DIST.

OWNER:
Charles and Denise Franz
5 Stone Spring Ct. Baltimore, MD (410) 242-2428

ZONING OFFICE USE ONLY:

Reviewed By: JMDK Item # 352 Case #

PETITIONER'S
EXHIBIT

MICROFILMED

IN RE: PETITION FOR VARIANCE
E/S Stone Spring Court, 358.26' S
of the c/l of Vineyard Hill Road * DEPUTY ZONING COMMISSIONER
(5 Stone Spring Court)
1st Election District * OF BALTIMORE COUNTY
1st Councilmanic District * Case No. 95-360-A
Charles P. Franz, et ux
Petitioners *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 5 Stone Spring Court, located in the vicinity of Patapasco Valley State Park in the subdivision of Foxhall Farm in Catonsville. The Petition was filed by the owners of the property, Dr. and Mrs. Charles P. Franz. The Petitioners seek relief from Section 504 of the Baltimore County Zoning Regulations (B.C.Z.R.) and Section V.B.6.b of the Comprehensive Manual of Development Policies (C.M.D.P.) to permit a window to property line setback of 8 feet in lieu of the required 15 feet for a proposed single family dwelling and accessory improvements, and to amend the Final Development Plan of Foxhall Farm, Section 1, Lot 19 thereof, accordingly. The subject property and relief sought are more particularly described on the site plan submitted and accepted into evidence as Petitioner's Exhibit 1.

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Testimony and evidence offered revealed that the subject property consists of 0.611 acres, more or less, zoned D.R. 2 and is presently unimproved. The Petitioners are desirous of developing the property with a single family dwelling and accessory swimming pool and basketball court.

Due to the irregular shape of the lot and the locations for the proposed improvements, the relief requested is necessary in order to develop the property as proposed. In support of the Petitioner's request, Dr. Franz submitted a letter, marked as Petitioner's Exhibit 2, from the adjacent property owner on the affected side, which states that he has no objections to the relief requested. The owner of that property states that he intends to build his house somewhat off the property line so that the 8-foot setback requested herein will be of no consequence to him.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it appears the relief requested should be granted. It has been established that special circumstances or conditions exist that are peculiar to the

land or structure which is the subject of this variance request and that strict compliance with the zoning regulations would result in a practical difficulty or unreasonable hardship for the Petitioner. Furthermore, the variance requested will not cause any injury to the public health, safety or general welfare and meets the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 23rd day of May, 1995 that the Petition for Variance seeking relief from Section 504 of the Baltimore County Zoning Regulations (B.C.Z.R.) (Section V.B.6.b of the Comprehensive Manual of Development Policies (C.M.D.P.)) to permit a window to property line setback of 8 feet in lieu of the required 15 feet and to amend the Final Development Plan of Foxhall Farm, Section 1, Lot 19 thereof, for a proposed dwelling and accessory improvements on the subject property in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

May 23, 1995

Dr. & Mrs. Charles P. Franz
3213 Bryant Avenue
Baltimore, Maryland 21227

RE: PETITION FOR VARIANCE
E/S Stone Spring Court, 358.26' S of the c/l of Vineyard Hill Road
(5 Stone Spring Court)
1st Election District - 1st Councilmanic District
Charles P. Franz, et ux - Petitioners
Case No. 95-360-A

Dear Dr. & Mrs. Franz:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: People's Counsel

File

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 14 Date of Posting: 5/1/95
Posted for: Kotroco
Petitioner: Dr. & Mrs. Charles P. Franz
Location of property: 5 Stone Spring Court, Sp. Hg. 6th
Location of Sign: Large red sign on property being zoned
Remarks:
Posted by: Timothy M. Kotroco Date of return: 5/1/95
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., 4/28, 1995
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 4/27, 1995.

A. Hemmick
THE JEFFERSONIAN
LEGAL AD. - TOWSON

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 5 Stone Spring Court
which is presently zoned DR2

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 504 (V.B.6.b, 1470) to permit an 8' window to property line in lieu of 15' and amend the FDP at Foxhall Farm.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

It would be impossible to build my home as shown, without the variance.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Connect Purchaser/Lessee:
(Type or Print Name)
Signature
Address
City State Zipcode
Attorney for Petitioner:
(Type or Print Name)
Signature
Address
City State Zipcode
Name
Address
City State Zipcode
Phone No.
Name
Address
City State Zipcode
Phone No.
OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING
Available for Hearing
the following dates
Next Two Months
ALL OTHER
REVIEWED BY TMK DATE 4/10/95

ZONING DESCRIPTION FOR #5 STONE SPRING COURT

Beginning at a point on the East side of Stone Spring Court which is 50 foot wide at the distance of 368.26' South of the centerline of the nearest improved intersecting street, Vineyard Hill Road, which is 50 foot wide. Being Lot #19, Block A, Section #1 in the subdivision of Foxhall Farm as recorded in Baltimore County Plat Book SM #82, Folio #124, containing 0.611 Acres ±. Also known as #5 Stone Spring Court and located in the 1st Election District, 1st Councilmanic District.

352

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353
ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

Arnold Jablon
ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 352

Petitioner: Dr. & Mrs. Charles P. Franz

Location: 5 Stone Spring Ct.

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Dr. & Mrs. Charles P. Franz

ADDRESS: 3213 Bryant Avenue

Baltimore MD 21227

PHONE NUMBER: 242-2408

AD:ggg

(Revised 04/09/93)

TO: PUBLISHER PUBLISHING COMPANY
April 27, 1995 Issue - Jeffersonian

Please forward billing to:

Dr. & Mrs. Charles P. Franz
3213 Bryant Avenue
Baltimore, MD 21227
242-2408

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-360-A (Item 352)
5 Stone Spring Court

Foxhall Farm, Section 1, Lot 19
E/S Stone Spring Court, 358.26' S of c/l Vineyard Hill Road
1st Election District - 1st Councilmanic
Legal Owner: Dr. & Mrs. Charles P. Franz
HEARING: MONDAY, MAY 22, 1995 at 11:00 a.m. in Room 118, Old Courthouse.

Variance to permit an 8-foot window to property line in line of 15 feet and amend the PDP of Foxhall Farm.

LAURENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

April 21, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-360-A (Item 352)
5 Stone Spring Court

Foxhall Farm, Section 1, Lot 19
E/S Stone Spring Court, 358.26' S of c/l Vineyard Hill Road
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Legal Owner: Dr. & Mrs. Charles P. Franz
HEARING: MONDAY, MAY 22, 1995 at 11:00 a.m. in Room 118, Old Courthouse.

Variance to permit an 8-foot window to property line in line of 15 feet and amend the PDP of Foxhall Farm.

Arnold Jablon
Arnold Jablon
Director

cc: Dr. & Mrs. Charles P. Franz

NOTES: (1) HEARING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Printed with Soybean Ink
on Recycled Paper

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

May 15, 1995

Dr. and Mrs. Charles P. Franz
3213 Bryant Avenue
Baltimore, Maryland 21227

RE: Item No.: 352
Case No.: 95-360-A
Petitioner: Dr. Franz, et ux

Dear Dr. and Mrs. Franz:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by, the Office of Zoning Administration and Development Management (ZADM), Development Control Section on April 10, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties; i.e., zoning commissioner, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,
W. Carl Richards, Jr.
W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

Printed with Soybean Ink
on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Director
Office of Planning and Zoning

DATE: April 24, 1995

SUBJECT: Variance Requests

INFORMATION:

Item Numbers: 352, 354, 355, 356, 359, and 360.

SUMMARY OF RECOMMENDATIONS:

While staff does not oppose the requested Variances, it is clear that the petitioners will need to satisfy the burden imposed upon them to prove practical difficulty and/or unreasonable hardship to justify the granting of the subject Variances.

Prepared by: *Jeffrey M. Long*

Division Chief: *Carol Ann*

PK/JL

ITEM352/PZONE/ZAC1

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: May 5, 1995
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for May 1, 1995
Items 352, 353, 354, 355, 358, 359, and 360

The Developers Engineering Section has reviewed the subject zoning item and we have no comments.

RWB:ew

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: ZADM DATE: 4/28/95
FROM: DEPRM
Development Coordination
SUBJECT: Zoning Advisory Committee
Agenda: 4/24/95

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee items:

Item #': 352
-354
358
-359
360
361

LS:sp

LETTY2/DEPRM/TXTSBB

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-1500

DATE: 04/25/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-11-5

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF APR. 24, 1995.

Item No.: SEE BELOW Zoning Agenda:

Sentiment:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be connected or incorporated into the final plans for the property.

E. The Fire Marshal's Office has no comments at this time.
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 352, 354, 355, 356, 357, 358, 359 AND 360.

RECEIVED
APR 27 1995

ZADM

REVIEWER: LT. ROBERT F. SAUERWALD
Fire Marshal's Office, PHONE 887-4881, MS-1102F

cc: File

Printed on Recycled Paper



O James Lighthizer
Secretary
Hal Kasso
Administrator

Ms. Joyce Watson
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: 552 (MTR)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Ronald Burns, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-335-6258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

| | | |
|--|---|---------------------|
| RE: PETITION FOR VARIANCE | * | BEFORE THE |
| 5 Stone Spring Court - Foxhall Farm. | | |
| Section I, Lot 19 - E/S Stone Spring Ct. | | ZONING COMMISSIONER |
| 358.26' S of c/ Vineyard Hill Road | | |
| 1st Election District, 1st Councilmanic | * | OF BALTIMORE COUNTY |
| Dr. Charles P. Franz, et ux. | * | CASE NO. 95-360-A |
| Petitioners | | |

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Pete Marx Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Charles S. Deming

CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 21st day of May, 1995, a copy of the foregoing Entry of Appearance was mailed to Dr. and Mrs. Charles P. Franz, 3213 Bryant Avenue, Baltimore, MD 21227, Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME
Dr Charles P Franz

ADDRESS
3213 BRYANT AVE 21227



TRAFALGAR HOUSE
RESIDENTIAL MARYLAND

8965 GUILFORD ROAD - SUITE 240 - COLUMBIA - MARYLAND 21046 USA
TELEPHONE WASH 101 621 8151 - BALT 410 *20 5071 - FACSIMILE 101 621 8157

March 27, 1995

Dr. and Mrs. Charles Franz
3213 Bryant Avenue
Baltimore, MD 21227

RE: Variance - Lot 19, Block A
Foxhall Farm

Dear Mrs. Franz:

At your request, I am writing you to confirm our conversation regarding the referenced subject. We are current owners of Lot 18, which could be impacted by the location of your house on Lot 19.

We do not plan to build a house any closer than 32 feet from our common property line. Lot 18 is of sufficient width and our houses are of a maximum width that would leave ample space to build one of our houses outside of the 32 foot dimension needed to build your house.

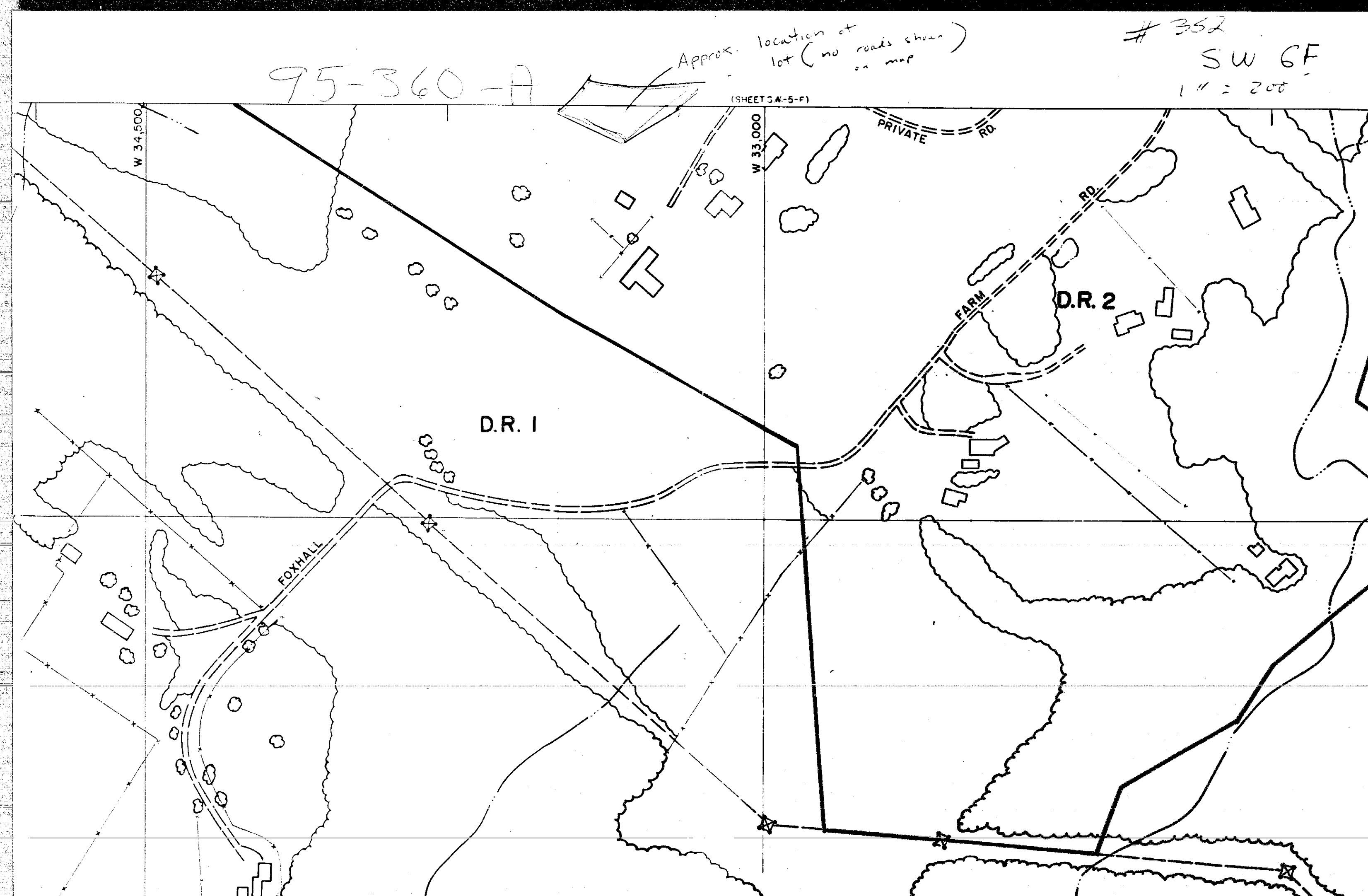
As always, if I can be of further assistance, do not hesitate to call me.

Sincerely,

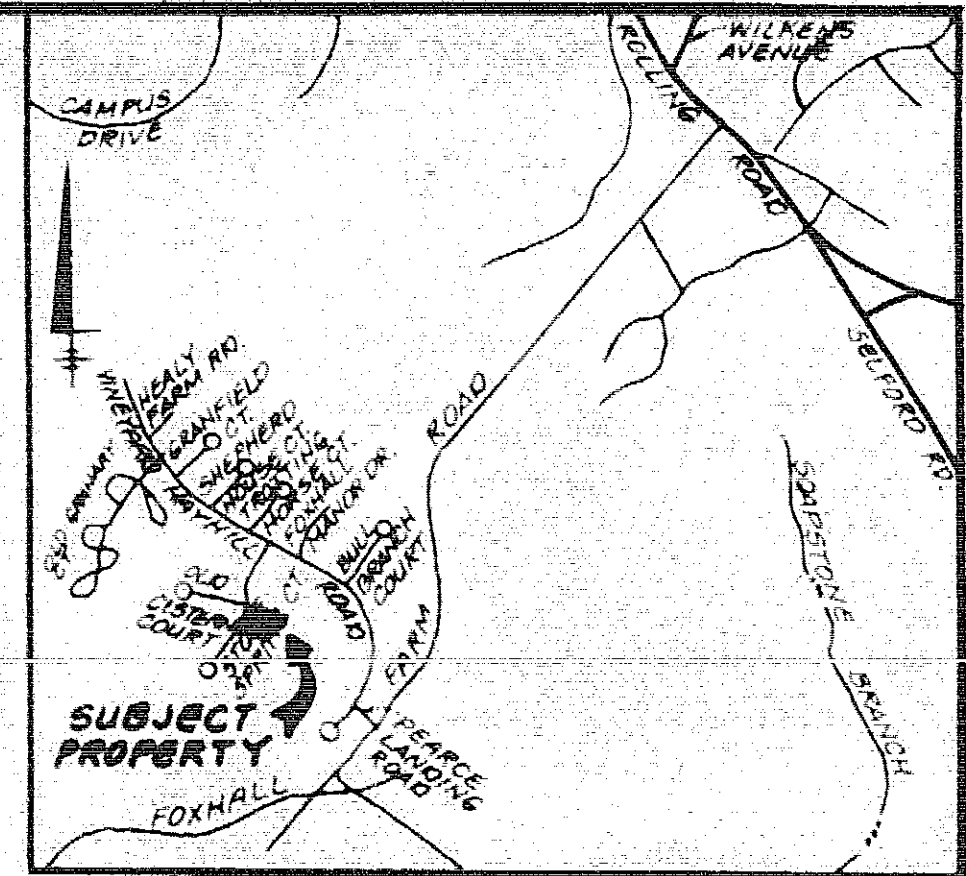
Michael F. Clay
Land Development Coordinator

MFC/plm

PETITIONER'S
EXHIBIT 2



NOTE: Contractor to remove existing cleanout and inlet pipe to existing grinder pump. Install new cleanout at relocated inlet pipe stub for proposed house connection. Any damage to grinder pump shall be corrected at the contractor's expense.



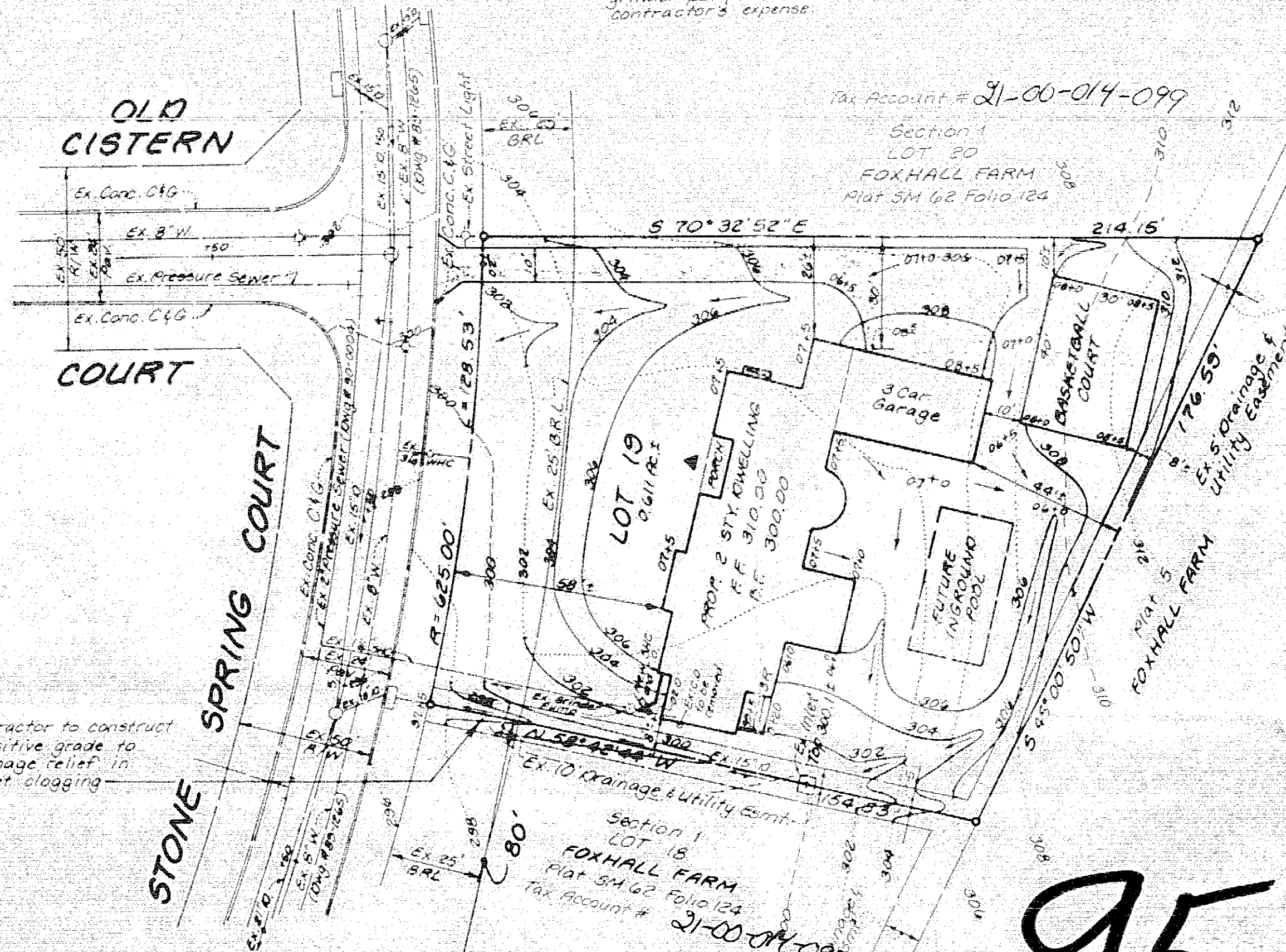
VICINITY MAP

Scale: 1" = 1,000'

NOTES:

1. Councilmanic District: 1C-1
2. Election District: 1st
3. 1" = 200' Scale Map No. SW 6F
4. Existing Zoning: DR-2
5. Lot Size: 0.611 Ac. ± / 26,615 S.F. ±
6. Public Water and Public Sewer utilized.
7. Chesapeake Bay Critical Area: No
8. Prior Zoning Hearings: None
9. Tax Account # 21-00-014-098

NOTE: Contractor to construct swale at positive grade to provide drainage relief in event of inlet clogging.



95-360-A

#352

PETITIONER'S
EXHIBIT 1

| | | |
|---|--|---------------------|
| LDE, INC. 8835 Columbia 100 Parkway, Unit N, Columbia, MD 21045 (410) 715-1070 • (301) 596-3424 • (410) 715-0681 (fax) | | |
| Designed: BDB | PLAT TO ACCOMPANY PETITION FOR ZONING FOXHALL FARM SECTION 1 LOT 19 # 5 STONE SPRING COURT BALTIMORE CO., MD 1ST ELECTION DIST. | Scale: 1" = 30' |
| Drawn: KDW | | Drawing 1 of 1 |
| Checked: BDB | | LDE Job # 95-016 |
| Date: 3/31/95 | | File #: |
| OWNER Charles and Denise Franz 5 Stone Spring Ct. Baltimore, MD (410) 242-2428 | | |
| ZONING OFFICE USE ONLY: | | |
| Reviewed By: MSK | Item # 352 | Case # |